



**DRAFT**

**DRAFT FOR PUBLIC COMMENT**  
**DRAFT Title 9 Conditional Use Permit No.: 105-04-24**  
**Date of Public Notice: May 1<sup>st</sup>, 2024**  
**Term of Public Review: 20 calendar days**

**The Borough Planning Commission will conduct a public hearing on this  
Conditional Use Permit on:**

**May 21<sup>st</sup>, 2024**

**At the Borough Assembly Chambers from 9 am to 4:30pm**

Written comments must be received by 4:30 pm, May 21<sup>st</sup>, 2024  
Other written or oral comments may be submitted at the time of the commission meeting/public  
hearing.

**Submit public review comments to:**

Northwest Arctic Borough, Planning Department  
c/o Noah Naylor  
PO Box 1110  
Kotzebue, AK 99752  
Tel 907.442.8206 / 800.478.1110  
Fax 907.442.3740  
[nnaylor2@nwabor.org](mailto:nnaylor2@nwabor.org)

**Permittee:**

City of Ambler  
P.O. Box 09  
Ambler, AK 99786  
Tel 907.445.2122 Fax 907.445.2174  
[amblercity@gmail.com](mailto:amblercity@gmail.com)

**Permittee Contact Information:**

Steven Y. Lemmel, PE  
3230 C Street, Suit 202  
Anchorage, Ak 99503  
Tel 907.563.5675

Heather Gross  
HC 72 Box 850  
Tok, AK 99780  
Tel 907.444.6018  
[heathergscs2@aol.com](mailto:heathergscs2@aol.com)



### **Project Description:**

The City of Ambler (AMBLER) proposes to extract and stockpile up to 15,000 cubic yards of material for use in local and City-owned projects. Material extracted from this location will be used to support local community projects. AMBLER will also repair washout areas on the access road. The proposed start date is May 2024 and will be completed by December 2025.

Specific details of the project are contained in the permit application and documents submitted by AMBLER to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

### **Project Location:**

The material extraction site, known as Material Site B, is located approximately 2 miles northeast of the community airport in Section 21, Township 20 North, Range 5 East, Kateel River Meridian. The site is owned by NANA Regional Corporation and is described as 'high-quality gravel suitable for borrow, crushed surfacing, and potential paving aggregates.' Other material sources in the vicinity of Ambler have been known to contain Naturally Occurring Asbestos (NOA). Material Site B is clean and does not contain NOA per NANA Regional Corporation. The site was originally developed by the State of Alaska Department of Transportation & Public Facilities (AKDOT) for use in airport improvements. An existing access road reaches Material Site B via the airport. This access road will require minor repair due to washouts before extraction activities begin.

Material Site B is located in the Subsistence Conservation District.

### **Gravel Extraction:**

Typical daily activities will include clearing and grubbing, material extraction and loading, stormwater and SWPPP activities, and then reclamation tasks. Blasting, crushing, or other mechanical operations will not be required. Fuel will not be stored onsite. Fuel will be delivered to heavy equipment via a fuel truck when necessary. A spill kit will be kept onsite during all extraction activities. Other entities will not be using the site during this work. Dewatering will not be used.

### **Site Plan**

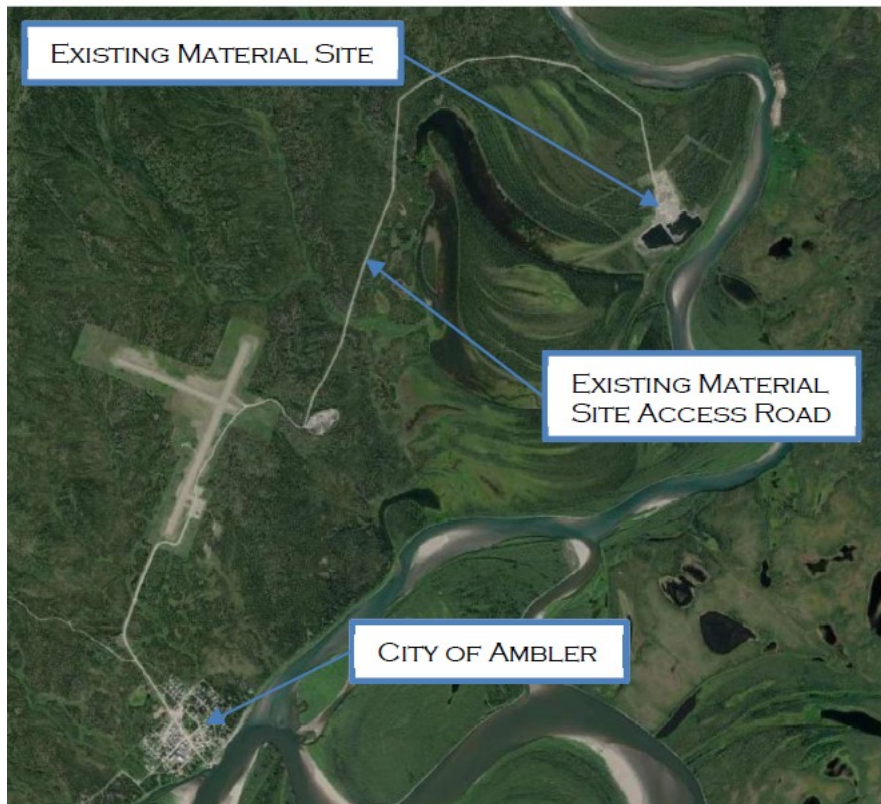
**Phase 1:** Mobilize heavy equipment to Cell 4, preferably during frozen conditions, to begin clearing and grubbing. Vegetation and grubbed materials will be stacked along the perimeter of the extraction area to serve as a brush barrier for preventing surface water runoff. Notice will be made to local residents that trees within the extraction area can be harvested for firewood.

**Phase 2:** Repair washout areas on the access road to enable hauling activities.



**Phase 3:** Begin pushing material from Cell 4 and stacking in the working pad area using a loader and an excavator (if necessary). Because this is expected to be a shallow extraction, most work will be done with a loader. Material will be loaded into dump trucks and hauled to the community for storage. The stockpile area is located adjacent to the City offices.

**Phase 4:** Extraction depth is expected to be approximately 7 to 12 feet below the ground surface before groundwater is reached. Every effort will be made to extract materials earlier in the season when groundwater levels may be lower. Lower groundwater levels will allow excavation to be deeper and reach more alluvial materials. A deeper excavation will also decrease the aerial size of the excavation needed to obtain 15,000 cubic yards.



**Figure 1. Material Site B, Cell 4 Extraction Area and Work Pad**

### Reclamation Plan

Reclamation activities will include grading the extraction area with a loader to approximately 3:1 slopes with tracking perpendicular to the grade. Then pushing grubbing materials back over the slopes to enhance and facilitate natural revegetation. This reclamation approach is similar to that used by AKDOT&PF and will likely result in ponding in the extraction areas due to high groundwater.



**Permit Authorization and Documentation:**

AMBLER submitted a Title 9 Land Use Permit application (21-02-105) for the following Use: Gravel extraction (Conditional Use in Subsistence Conservation District). The Title 9 application was received on August 14, 2020. On August 28, 2020 the Borough Planning Department deemed the application was complete.

Permit fees totaled \$250 for the project. The applicant requested a waiver for permit fees because the proposed project will benefit community projects in Ambler. The Planning Director granted the waiver of fees.

The Planning Commission has the authority to permit “Gravel extraction” in a Subsistence Conservation District by Conditional Use Permit, pursuant to Northwest Arctic Borough Code (NABC) 09.12.030.

**Proposed Permit Terms and Conditions:**

1. The City of Ambler (AMBLER) shall comply with the terms of the permission, permits and/or agreements granted by the federal government, State of Alaska, Northwest Arctic Borough and other applicable agencies.
2. AMBLER shall comply with any and all applicable local, borough, state and federal laws. Failure to abide by any part of this permit, or violations of any pertinent borough ordinances or state or federal law or regulation, will be considered grounds for revocation of the permit or denial of future permit requests and may result in issuance of fines or other penalties. This provision applies to all persons working under the authority of this permit.
3. The Permittee is responsible for ensuring that all employees, contractors, sub-contractors, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
4. All trash and human waste generated at the property must be properly disposed of in accordance with Northwest Arctic Borough Ordinance 9.25.020.M., establishing standards disposal of refuse, human body waste, and chemicals. All remedial activities shall comply with any and all other applicable state and federal laws, including all applicable hazardous waste and disposal requirements, all waste disposal and landfill requirements, and all open burning and air quality standards.
5. During and after mining activities, the permittee must conduct activities in a manner to maintain natural drainage patterns; water shed protection, and permafrost stability, to prevent runoff and erosion into water supplies and to minimize alteration of vegetation.
6. All project activities shall utilize measures to minimize noise and nuisance affecting surrounding residential and camp properties including excessive noise, fumes, odors,



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glare, smoke, vibration, dust, litter, interference in any telephone, radio or television receivers, and/or significant line voltage fluctuation.

7. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the mining activities, and AMBLER shall immediately contact both the Planning Director at the NAB Planning Department and Alaska State Historic Preservation Office to determine the conditions to continue.
8. The siting, design, construction and monitoring of the project activities are required to minimize alteration of shorelines, water courses, wetlands, and minimize significant disturbance to important habitats, and avoid critical fish, and other species' migration periods.
9. Any development by the project in floodplains and shoreline areas are to be constructed to minimize loss of life or property due to seasonal flooding, ice movement, and shoreline erosion.
10. Project equipment/vehicle servicing and fueling operations are prohibited within 100 feet of any surface water body, including any rivers, drainage channels, sloughs and lakes.  
Equipment and vehicles are to be maintained to eliminate or minimize any fuel spills and fluid leaks. Equipment and vehicles must be monitored prior to use for hydraulic leaks. If equipment is in continuous use, it shall be inspected daily for hydraulic leaks.  
Project equipment shall not be abandoned.
11. AMBLER shall immediately notify the Borough (at least within 24 hours) of any damage to the tundra and shoreline due to project activities in excess of those identified in or different from those notes in the permit application, including but not limited to scraping of vegetation and spill of fuel or other chemicals.
12. AMBLER shall immediately notify the Borough (at least within 24 hours) of any change in the project plans and seek modification of the permit. AMBLER shall suspend uses until approval is given by the Planning Director/Title 9 Administrator. If the proposed action(s) constitutes an emergency, AMBLER shall comply with NABC 9.16.040 for emergency actions and shall make reasonable efforts to conduct modified uses in a manner that avoids or minimizes significant harm to the environment, consistent with the need to protect property and human life.
13. AMBLER shall be required in consultation with the Administrator to post a cash bond or other suitable surety in an amount and form consistent with the requirements of NABC 9.08.040A to guarantee performance of all obligations under this permit.
14. AMBLER is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.



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15. During the fall, winter and spring seasons, AMBLER or any project contractors shall not, during the migration of caribou, locate any operation and/or equipment so as to block or cause diversion of the migration of caribou. AMBLER and/or any project contractors shall cease any activity that may interfere with the seasonal spring and fall caribou migrations and/or caribou fall/winter/spring movements, such as marine, ground and airborne transports, ground and airborne surveys or movement of equipment, until such time as the migration or spring movements have cleared  $\frac{3}{4}$  of a mile from the location of the project activity. Concern for human safety will be given special consideration when applying this policy.

As a general guideline, caribou migration means an area where 500 or more caribou are travelling or congregating. However, during the fall/winter/spring period of January through December, AMBLER shall take extra precautions to avoid deflecting even small numbers (e.g. group sizes of 5-10) of the first caribou moving through the area as these groups/bands set trails as “lead caribou” that subsequent caribou later follow during the migration. The intent of these guidelines are to ensure free passage of caribou through the area and to avoid impacting caribou and the communities that historically and currently depend upon it as well as preserving existing and important adjacent land uses. These guidelines may be revised based upon updated information and research (including local traditional knowledge).

16. All project activities shall utilize measures to avoid or minimize disrupting wildlife and bird migration, or subsistence activities including fishing, trapping, waterfowl hunting, egg gathering, berry picking, wild greens, muskrats, seals, moose and caribou hunting. AMBLER will ensure reasonable access to subsistence users to subsistence resources.
17. Vehicles, vessels and aircraft that are likely to cause significant disturbance must avoid areas where species that are sensitive to noise or movement are concentrated. Concentrations may be seasonal or year-round and may be due to behavior (e.g., flocks or herds) or limited habitat (e.g., polar bear denning, seal haul-outs). Horizontal and vertical buffers will be required where appropriate. Concern for human safety will be given special consideration when applying this policy.
- When adverse effects are likely and cannot be avoided, the Borough Planning Director/title 9 administrator may require AMBLER to prepare and submit a mitigation plan to minimize impacts. The effects addressed in this standard may result from a single project or from a series of projects. The mitigation plan, if required, shall be approved by the Borough Planning Director and/or Borough Planning Commission.
18. At the conclusion of each season the Borough Planning Department shall evaluate the effectiveness of the permit conditions. The Title 9 Administrator shall be authorized to adopt corrective measures for ineffective or inadequate permit conditions.
19. At the completion of each season, the permittee shall file a written report with the Borough Planning Department describing the following:
- (a) aggregate number of trips between Ambler and the material extraction site and season-end reclamation activities,



- (b) complete report of any fuel or other hazardous substances discharges and clean-up activities completed,
  - (c) report the incidents of caribou migration and dates/times of ceased operations for allowing migration of caribou,
  - (d) other matters as reasonably required by the Administrator/Planning Director.
20. Access by Borough personnel and their agents. Authorized personnel and/or their agents of the Northwest Arctic Borough when on official business and displaying proper identification shall be allowed access to the sites without interference. Borough personnel and/or agents may conduct scheduled or unscheduled inspections or tests to determine compliance with this permit or respond to emergency situations.
21. The Borough Planning Director, as the Title 9 Administrator under provision of NABC 9.08.020, will issue this permit for period of 4 years. Issuance of this permit under these terms shall require submission of an annual report for compliance with the permit terms and conditions. **This permit will expire on December 31, 2025**, unless revoked by the Title 9 Administrator and/or AMBLER.

**DRAFT Permit for Public Comment**

**NORTHWEST ARCTIC BOROUGH**

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Noah Naylor,  
Planning Director/Title 9 Administrator

May 1st, 2020

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Date

CC: Ambler Traditional Council, City of Ambler, NANA Regional Corporation,  
Maniilaq Association,  
Posted at: [www.nwabor.org](http://www.nwabor.org)